

PROTOCOL BRINGING UNDER INTERNATIONAL CONTROL DRUGS OUTSIDE THE SCOPE OF THE OPIUM CONVENTION OF 13 JULY 1931 AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

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Note: This Agreement was concurred in by the Senate, S.R No. 127, May 19, 1953. The Philippine instrument of accession was deposited with the Secretary-General of the U.N. December 11, 1949 and with respect to the Philippines, January 7, 1954.

Reference: This Agreement is also published in II DFA TS No. 2, p. 159, and 44 UNTS, p. 277.

PREAMBLE

The States Parties to the present Protocol,

CONSIDERING that the progress of modern pharmacology and chemistry has resulted in the discovery of drugs, particularly synthetic drugs, capable of producing addiction, but not covered by the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol signed at Lake Success on 11 December 1946,

DESIRING to supplement the provisions of that Convention and to place these drugs, including their preparations and compounds containing these drugs, under control in order to limit by international agreement their manufacture to the world's legitimate requirements for medical and scientific purposes and to regulate their distribution,

REALIZING the importance of the universal application of this international agreement and of its earliest possible entry into force,

HAVE RESOLVED to conclude a Protocol for that purpose and have agreed upon the following provisions:

CHAPTER I. CONTROL

ARTICLE 1

1. Any State Party to the present Protocol which considers that a drug which is or may be used for medical or scientific purposes and to which the Convention of 13 July 1931 does not apply, is liable to the same kind of abuse and productive of the same kind of harmful effects as the drugs specified in article 1, paragraph 2, of the said Convention, shall send a notification to that effect, with all material information in its possession to the Secretary-General of the United Nations, who shall transmit it immediately to the other States Parties to the present Protocol, to the Commission on Narcotic Drugs of the Economic and Social Council and to the World Health Organization.

2. If the World Health Organization finds that the drug in question is capable of producing addiction or of conversion into a product capable of producing addiction, this Organization shall decide whether the drug shall fall:

(a) Under the regime laid down in the 1931 Convention for the drugs specified in article 1, paragraph 2, group I, of that Convention; or

(b) Under the regime laid down in the 1931 Convention for the drugs specified in article 1, paragraph 2, group II, of that Convention.

3. Any decision or finding in accordance with the preceding paragraph shall be notified without delay to the Secretary-General of the United Nations, who shall transmit it immediately to all States Members of the United Nations, to non-member States Parties to this Protocol, to the Commission on Narcotic Drugs and the Permanent Central Board.

4. Upon receipt of the Communications from the Secretary-General of the United Nations notifying a decision under paragraph 2(a) or (b) above, the States Parties to this Protocol shall apply to the drug in question the appropriate regime laid down by the 1931 Convention.

ARTICLE 2

The Commission on Narcotic Drugs, upon receipt of the notification from the Secretary-General of the United Nations in accordance with paragraph 1 of article 1 of this Protocol, shall consider as soon as possible whether the measures applicable to drugs specified in article 1, paragraph 2, group I, of the 1931 Convention should provisionally apply to the drug in question, pending receipt of the decision or finding of the World Health Organization. If the Commission on Narcotic Drugs decides that such measures should provisionally apply, this decision shall be communicated without delay by the Secretary-General of the United Nations to the States Parties to this Protocol, the World Health Organization and the Permanent Central Board. The said measures shall thereupon be applied provisionally to the drug in question.

ARTICLE 3

Any decision or finding taken under article 1 or article 2 of this Protocol may be revised in the light of further experience, in accordance with the procedure provided in this chapter.

CHAPTER II. GENERAL PROVISIONS

ARTICLE 4

The present Protocol does not apply to raw opium, medicinal opium, coca leaf or Indian hemp as defined in article 1 of the International Convention relating to Dangerous Drugs signed at Geneva on 19 February 1925, or to prepared opium as defined in chapter II of the International Opium Convention signed at The Hague on 23 January 1912.

ARTICLE 5

1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be open for signature or acceptance on behalf of any Member of the United Nations and also of any non-member State to which an invitation has been addressed by the Economic and Social Council.

2. Any such State may:

(a) Sign without reservation as to acceptance;

(b) Signed subject to acceptance and subsequently accept; or

(c) Accept.

Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

ARTICLE 6

The present Protocol shall come into force upon the expiration of thirty days following the day on which twenty-five or more States have signed it without reservation, or accepted it in accordance with article 5, provided that such States shall include five of the following: China, Czechoslovakia, France, Netherlands, Poland, Switzerland, Turkey, United Kingdom, Union of Soviet Socialist Republics, United States of America, Yugoslavia.

ARTICLE 7

A State which has signed without reservation as to acceptance, or accepted pursuant to article 5, shall become a Party to this Protocol upon its entry into force or upon the expiration of thirty days following the date of such signature or acceptance, if executed after its entry into force.

ARTICLE 8

Any State may, at the time of signature or the deposit of its formal instrument of acceptance or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that the present Protocol shall extend to all or any of the territories for which it has international responsibility, and this Protocol shall extend to the territory or territories named in the notification as from the thirtieth day after the date of receipt of this notification by the Secretary-General of the United Nations.

ARTICLE 9

After the expiration of five years from the date of the coming into force of the present Protocol, any State Party to the present Protocol may, on its own behalf or on behalf of any of the territories for which it has international responsibility, denounce this Protocol by an instrument in writing deposited with the Secretary-General of the United Nations.

The denunciation, if received by the Secretary-General on or before the first day of July in any year, shall take effect on the first day of January in the succeeding year, and, if received after the first day of July, shall take effect as if it had been received on or before the first day of July in the succeeding year.

ARTICLE 10

The Secretary-General of the United Nations shall notify all Members of the United Nations and non-member States referred to in articles 5 and 6 of all signatures and acceptances received in accordance with these articles, and of all notifications received in accordance with articles 8 and 9.

ARTICLE 11

In accordance with Article 102 of the Charter of the United Nations, the present Protocol shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

IN FAITH WHEREOF the undersigned, duly authorized, have signed the present Protocol on behalf of their respective Governments.

DONE at Paris this nineteenth day of November one thousand nine hundred and forty-eight, in a single copy, which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all the members of the United Nations and to the non-member States referred to in articles 5 and 6.

Parties to the protocol as of December 31, 1965:

Afghanistan France[4,5]

Albania Federal Republic of Germany[6]

Australia[1] Ghana

Austria Greece

Belgium[2] Hungary

Brazil India

Burma Indonesia

Byelorussian Soviet Socialist Republic Iraq

Cameroon Ireland

Canada Israel

Central African Republic Italy

Ceylon Ivory Coast

China Jamaica

Congo (Brazzaville) Japan

Congo (Leopoldville) Jordan

Cuba Laos

Cyprus Lebanon

Czechoslovakia Liechtenstein[7]

Dahomey Luxembourg

Denmark[3] Malawi

Dominican Republic Malaysia

Ecuador Mexico

El Salvador Monaco

Ethiopia Morocco

Finland Netherlands[8]

New Zealand[9] Switzerland

Nicaragua Tanzania

Niger Togo

Nigeria Trinidad and Tobago

Norway Tunisia

Pakistan Turkey

Philippines Uganda

Poland Ukrainian Soviet Socialist Republic

Romania Union of Soviet Socialist Republic

Rwanda United Arab Republic

Saudi Arabia United Kingdom[11, 12]

Senegal United States[13]

Sierra Leone Upper Volta

South Africa[10] Viet-Nam

Spain Western Samoa

Sweden Yemen Arab Republic

Yugoslavia

[1] Including all territories for which Australia has international responsibility, including the Trust Territories of New Guinea and Nauru.

[2] Including Ruanda-Urundi; application to Burundi has not been determined. [3] Including Greenland.

[4] Including the Franco-British Condominium of New Hebrides.

[5] Including Algeria, Overseas Departments (Guadeloupe, Guiana, Martinique, Reunion), Overseas Territories (French Somaliland, French Establishments in India, Comoro Islands, New Caledonia and dependencies, French Establishments in Oceania, St. Pierre and Miquelon). [6] Including Land Berlin.

[7] Declaration by Switzerland states; "Under the terms of the arrangements concluded between the Government of the Principality of Liechtenstein and the Swiss Government in 1929 and 1935, in application of the Customs Union Treaty concluded between these two countries on March 29th, 1923, the Swiss legislation on narcotic drugs, including all the measures taken by the Federal authorities to give effect to the different international Conventions on dangerous drugs, will be applicable to the territory of the Principality in the same way as to the territory of the Confederation, as long as the said Treaty remains in force. The Principality of Liechtenstein will accordingly participate, so long as the said Treaty remains in force, in the International Conventions which have been or may hereafter be concluded in the matter of narcotic drugs, it being neither necessary nor advisable for that country to accede to them separately." [8] Including Surinam and Netherlands Antilles. [9] Including all territories for which New Zealand has international responsibility.

[10] Including Aden and Protectorates of South Arabia, Antigua, Bahamas, Barbados, Basotuland, Bechuanaland Protectorate, Bermuda, British Guiana, British Honduras, British Solomon Islands, British Somaliland, British Virgin Islands, Brunei, Caicos Islands, Cayman Islands, Dominica, Falkland Islands and dependencies, Fiji,

Gibraltar, Gilbert and Ellice Islands, Grenada, Hongkong, Mauritius, Montserrat, Southern Rhodesia, St. Christopher-Nevis, St. Helena, St. Lucia, St. Vincent, Seychelles, and Turks Islands.

[12] Including Tonga Islands.

[13] Including all territories for the foreign relations of which the United States is responsible.

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